## IN THE CIRCUIT COURT OF THE 15th JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

TONYA ROBERTSON,	CASE NO.:
Plaintiff,	
vs.	
BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY,	
Defendant.	

#### **VERIFIED COMPLAINT**

1. Plaintiff, TONYA ROBERTSON, sues the Defendant, BOARD OF COUNTY COMMISSIONERS, PALMBEACH COUNTY, for violations of her rights under the Rehabilitation Act of 1973, 29 U.S.C. §701 et seq., and Title II of the Americans With Disabilities Act, . Plaintiff was employed by the Defendant as a Customer Specialist II until she was unlawfully terminated because she suffered from a disability and had requested a reasonable

#### JURISDICTION AND VENUE

- 2. This is an action for damages in excess of \$50,000, exclusive of attorney's fees and costs.
- 3. Venue is proper in this Court, because all acts complained of occurred in Palm Beach County, Florida.

#### **PARTIES**

4. Plaintiff is a natural person who resides in Palm Beach County, Florida and was an employee of the Defendant at all times relevant hereto.

 Defendant is a local governmental entity located in Palm Beach County, Florida and was Plaintiff's "employer" at all times relevant hereto for all purposes herein.

#### FACTS

- 6. Plaintiff is a disabled person within the meaning of the law in that she has one or more impairments that substantially limits one or more major life activities; has a history or record of such impairment and/or is perceived as having such an impairment, including severe depression and hypertension.
- 7. Plaintiff made a complaint on or about December 11, 2019 in the form of grievance regarding a ten (10) day suspension for arriving to work nine (9) minutes late from lunch, attached as Exhibit 1. Plaintiff's grievance was rejected.
- 8. Plaintiff was then subjected to a hostile work environment and retaliation for her filing her grievance. On January 17, 2020 she filed a Discrimination/Harassment/Retaliation Complaint form, attached as Exhibit 2, with the County.
- 9. Plaintiff continued experiencing harassment, intimidation, and retaliation for filing her grievances and ultimately filed a third grievance with the County on January 31, 2020, attached as Exhibit 3.
- 10. Plaintiff was given a notice for her first Pre-Determination Meeting on or about May7, 2020, which was held on or about May 14, 2020.
- Plaintiff was given a notice for her second Pre-Determination Meeting on December 7, 2020. Plaintiff was terminated after this meeting.
- 12. Plaintiff has suffered damages as a result of the retaliatory termination, including loss of pay and benefits; harm to her reputation; mental anguish; loss of the enjoyment of life and other

tangible and intangible losses, including loss of the potential for future career advancement.

#### COUNT I: DISABILITY DISCRIMINATION AND RETALIATION

- 13. Plaintiff realleges ¶1-12 herein.
- 14. During the Covid19 epidemic, Plaintiff was exposed to a person with Covid and her doctor recommended she isolate herself from other persons which was recommended and/or mandated by federal, State and County laws, rules and regulations.
- 15. Because Plaintiff had allegedly exhausted her FMLA leave, she was terminated for missing additional time for following her doctor's medical advice to isolate due to exposure to Covid19.
- Plaintiff was terminated from her employment as a Customer Service Specialist II because she requested additional time off due to her Covid19 exposure.
- 17. Defendant has a policy that permits its employees to take additional time off, beyond that provided by the FMLA, for medical related reasons.
- 18. Plaintiff was retaliated against for requestion additional time off, a form of reasonable accommodation, which the Defendant could have easily granted and which did not constitute an undue burden for the Defendant.

WHEREFORE, Plaintiff respectfully requests:

- a) An award of damages, including lost wages and benefits;
- b) Compensatory damages for mental anguish; loss of reputation; inconvenience; physical condition; loss of the enjoyment of life;
- c) Attorney's fees and costs;
- d) Equitable relief including a reinstatement to his prior position prior to being denied

promotional opportunities and subsequently constructively discharged; and

e) Any other relief deemed just and proper, including declaratory relief that his rights were violated by the Defendant.

#### **JURY DEMAND**

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing factual allegations are true and correct to the best of my knowledge and belief.

TONYA ROBERTSON

Respectfully submitted,

ISIDRO M. GARCIA

Florida Bar No, 437883

GARCIA LAW FIRM, P.A.

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West Palm Beach, FL 33401

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(561) 832-7732

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(561) 832-7137

E-mail: isidrogarcia@garcialaborlaw.com

E service:eservice@garcialaborlaw.com

COUNSEL FOR PLAINTIFF

Dated:



HUMAN RESOURCES
2019 DEC 16 PM 12 53
PALM BEACH COUNTY

### PALM BEACH COUNTY EMPLOYEE GRIEVANCE FORM

NOTE: BEFORE FILLING OUT THIS WRITTEN GRIEVANCE, CAREFULLY READ INSTRUCTIONS AS OUTLINED IN CHAPTER 7 OF THE MERIT SYSTEM RULES.

(Please print very plainly or type)

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NAME: 1010 TOPETON JOB TITLE/DEPARTMENT: SAVICE SOC
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I have discussed this matter with my immediate supervisor, and I am not satisfied with his/her
grievance to determine if the issue involved is grievable under the Palm Beach County Merit System rules. (The employee must submit the grievance to the Human Resources Director within five (5) working days of the event giving rise to the grievance.)
event giving rise to the grievance.)
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Signatura Don La Signatura Date 12/11/2019
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The above grievance has been reviewed by the Department of Human Resources, and is  Accepted Rejected *for processing through the grievance procedure
Accepted Rejected *for processing through the grievance procedure.
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MS #213 Rev. 2/07 EXHIBIT

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	STEP I
IMMEDIATE SUPERVISOR ANSWER:	el attached. (Grievence Rejected)
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- Signature_	Date Received
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wish,(uo noi wish)to nave	my grievance heard by the Grievance Committee
Signature	Date Received
:	Date Answered

I, Ronneshia Williams (Manager, Utility Customer Service) met with the employee (Tonya Robertson) on Tuesday, January 14th regarding her employee grievance received. The employee felt that disciplinary action given was too harsh where instead she should have received a written reprimand or verbal warning. The employee understood that it was her responsibility to call the sick line and stated that she knows the correct protocol that should have been followed. The employee is currently in the progressive disciplinary stage and was disciplined accordingly per the County's Merit Rule 7 (6-10 day suspension), therefore a written reprimand cannot be granted. The above grievance has been rejected.

\*Written Reprimand: 5/30/19 (Attendance)

\*Suspension: 10/15/19 (Attendance; 2 Days)

\*Suspension: 12/9/19 (Failure to follow instructions and Attendance; 10 Days)

Signature:

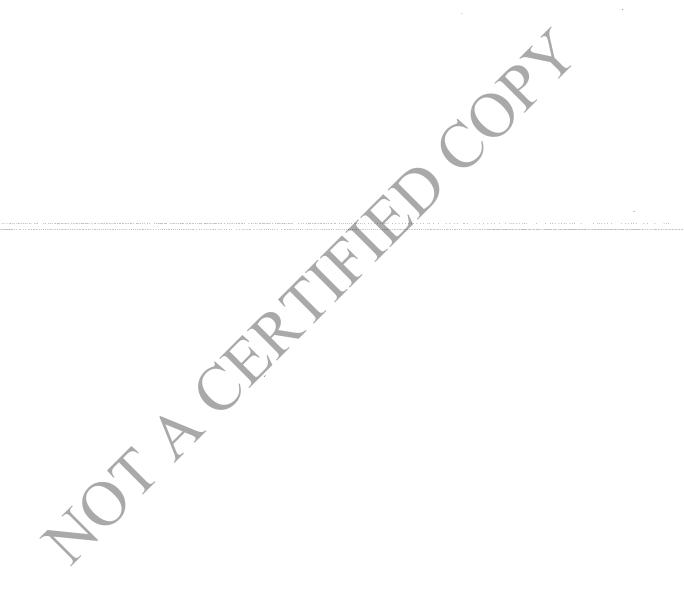
Date:

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# , . . . NOTIFICATION AND ACKNOWLEDGMENT OF VIOLATION OF RULES AND REGULATIONS PALM BEACH COUNTY

(The following employee is hereby notified of a violation of Rules and Regulations)

	• .			<b>2</b>	
	EMPLOYEE:	Tonya Robertson	JOB TITLE:	Customer Service Specialist II	
	DEPARTMENT	: Water Utilities	DATE: Dece	mber 9, 2019	
	DIVISION:	Customer Service	STATUS:	PERMANENT □ PROE	BATIONARY
	OFFENSE OF C	CONDUCT: Violation of Merit Rule 7.02, other rules, regulations or policies such as	#2- Failure to fol lepartmental poli	low instructions or directions a cies – WUD Attendance Polic	and Merit Rule 7.02- y, WUD-P-001.
	DESCRIPTION ( directions when re on two separate o Ms. Robertson am pm that day, Faile that the supervisor It's (lead workers) must be taken in a	DF INCIDENT OF OFFENSE (INCLUDE etuming from lunch late without notifying the ceasions (6/4 and 6/20,) as to following the rived back from lunch 9 minutes late and nure to follow the proper procedure resulted r could make alternate arrangements to ensure and one has to be present at all times. Tony a timely manner to ensure adequate staffinger procedure previously when returning to we	DATE OF OFFE ne Attendance List proper procedure eglected to call to in her superviso ure call center co ra's current scheo	NSE): On 11/4/2019, Ms. Rot or her supervisor. She has be when she is returning late from the Attendance Line to advise or being unaware of her return to be the second of	pertson failed to follow een previously advised om lunch. On 11/4/19, of her tardiness until 5 with no notification so mer Service Specialist
٠,		tion of WUD-P-001 – WUD Attendance Pol k leave on 2/19 & 2/21 and each subsequent /2019 for calling out with insufficient sick le 11/4/2019.			
	ACTION TAKEN:	······································	USPENSION:		S om
C	<ol> <li>Employee</li> <li>Employee</li> <li>To prevent</li> </ol>	TION RECOMMENDED: needs to ensure she is following all instruct should make sure to arrive to work & back payroll errors, employee should notify the copy of WD's Attendance Policy, WUD-P	from lunch break	s as scheduled each day & on-	time, e,
S)	GNED:	For Manager Rannesha In	lillams) _	12-9-19	
) SI	GNED:	supervisor Hauf- Con	<b></b>	Date //9/19	
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80	knowledge that I ha	ve been provided with a copy of this disciplinary	action and that I l		e righte
10	oned: <u>(ref</u>	sed to sign)	· .	2-9- 9 . Date	· .
M	PLOYEE COMM	ENTS:			
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### DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINT FORM

Instructions: Palm Beach County is committed to providing a work environment free from discrimination, harassment and retaliation. Palm Beach County's PPM CW-P-029 outlines the County's prohibitions against discrimination, harassment and retaliation. This policy can be found on the County Intranet under publications

This policy provide(s) mandatory procedure(s) [with several options for employees to report prohibited conduct. One option for reporting discrimination, harassment or retaliation is to complete this form and provide it to the Fair employment Programs. You are not required to use this form to file a complaint. However, you should read and be aware of the County's mandatory reporting procedures, whether you choose to use this form or not.

Any employee can report discrimination, harassment and retaliation, whether as a victim or a witness. Regardless of your experience with the discrimination, harassment or retaliation, it is important to be as specific as possible in your complaint so that the County can fully investigate the conduct and take prompt corrective action, as necessary. Include all known information about the complaint, including the identity of any witnesses with knowledge of the allegations or offenses and any other known evidence related to the complaint. You are not limited to the space provided. We encourage you to attach any additional materials that may assist us in investigating the claim. [This form must be signed and dated by you to be considered an official complaint. Although not encouraged because it limits our ability to verify the facts alleged in your complaint, you may submit this complaint anonymously.]

To investigate the complaint, The County will need to interview you, those subject to the alleged discrimination, harassment or retaliation (if not yourself), the alleged offender(s) and any known witnesses. However, we will notify all individuals involved that the investigation is confidential to the extent permitted by law and make clear that unauthorized disclosures could result in disciplinary action.

Supervisor or Manager Name:

Supervisor or Manager Title:

Employee Title:

Today's Date

Employee Name

Incident Time (if a single incident):

[Incident Date/Period of Ongoing Incidents]:

Incident Location (if a single incident):

Basis of Discrimination: (Check all that apply)
Age (if you are 40 years of age or older)
Race
Color
National Origin (includes country of origin, ethnicity, and accent)
Religion (please specify )
Sex (includes sexual harassment)
SexualOrientation/Gender Identity
Pregnancy
Marital Status (includes single or married status)
Disability (please select all that apply):  When a person with a disability Heart Problems, Suffers from analysis
William a person with a disability Heart Hobons Suffers 1
I do not currently have a disability, but I had one in the past
I do not have a disability, but my employer treats me as if I have a disability
I do not have a disability, but I am associated with someone with a disability
What is the disability/disabilities you believe is the reason for the adverse action taken against you? Please list all that apply:
Retalixion (select all that apply)
'Use complained about discrimination to my employer based on a protected basis, and an action was taken against me.
I filed a charge of discrimination or participated as a witness in a discrimination investigation, and an action was taken against me.
I reported illegal activity on the part of my employer or I refused to participate in illegal activity on the part of my employer, and an action was taken against me.
None of the above
Other

What occurred that you feel is discrimination? Please check all that apply, and indicate when the action occurred.

ACTION	First Date	Last Date .
Refused to hire		
Terminated / laid off	.1	
Demoted		
Disciplined		
√ Suspended		
Sexually harassed		
Harassed or Intimidated		
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Denied promotion	<b>Y</b>	
Denied leave time or other benefits	jurys concelled al	1 my Fir
Paid lower wages than other workers with same title	ised when I could ou	* SICK
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☐ Denied an accommodation for religious practices	my acis	
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Forced to resign because of discriminatory treatment POVE	. Not yet but weighing	my
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Identify (to the best of your knowledge) when the discrimination, harassment or retaliation occurred. If it occurred over a period of time or continues to occur, identify that period of time:    Common		, for the Konne
Identify why you believe the discrimination, harassment, or retaliation occurred:  Percentage of time:  Describe in detail the facts that form the basis of this complaint (attach additional sheets of paper if nacessary)  The property of the property of the property of the paper		Identify the intlividual(s) subject to the alleged discrimination, harassment or retaliation:
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0.100.00.3		Are you aware of any other evidence of the alleged conduct (for example, documents, e-mails, videotapes, audiotapes, or other records or materials that substantiate your US, all colls circ recorded I have document I keep on a daily basis, and the substantial con confirm

complaint)? To the best of your knowledge, please existing evidence and attach any and all existing evidence.	identify and describe any and all ridence in your possession to this
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Did you take any action to try to stop the alleged cor action you took and what resulted:	iduct? If so, please describe the
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so, please identify the person you reported the condu	
resolution: No resolution Im	Stiles, words murbel
Stephinie Christian Court	E CINAN, Litanie
How would you like to see the situation resolved?	location 1 14
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attachments may be viewed by appropriate administrate	ial this complaint and any
in the investigation of this complaint. I am willing to fully	cooperate in this investigation.
Employee Signature	)   -   1 - 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Signature of Investigator Reviewing Complaint	Pate Pate



## PALM BEACH COUNTY EMPLOYEE GRIEVANCE FORM

NOTE: BEFORE FILLING OUT THIS WRITTEN GRIEVANCE, CAREFULLY READ INSTRUCTIONS AS OUTLINED IN CHAPTER 7 OF THE MERIT SYSTEM RULES.

(Please print very plainly or type)

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I have discussed this matter with my immediate sur	Dervisor and I am not resided a last to a	
response, and therefore, I hereby request the Dep	earlment of Human Resources to review me	il.
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event giving rise to the grievance.)		,
Signature Signature	Date 1 21 20	
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Accepted*for processing the	hrough the grievance procedure.	
	processor.	
Signature	Date	
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Date :( returned to employee from Human Resources)	Signature	
*The above grievance has been rejected for the fol	H-suder .	
.,	lowing reason(s):	:_
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EG No. 10	EXHIB	HT.
AS #213 Rev. 2/07	aga 2	)
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	STEP I
IMMEDIATE SUPERVISOR ANSWER:	•.
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	Date Answerou
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Signature	Date Answered
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	STEP II
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Signature	Date Answered
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(wish)(do not wish)to he	•
Signature	Date Received
. Signaturo	Date Answered_

#### My Grievance is as follows:

Working in a very Hostile work environment, being bullied by members of management over abusing their Power. Intimidation coming to my desk asking "Oh I see you decided to work today, Isolation, Diversion with other employees, withholding information, Vandalism personal items being thrown in the trash, work space Vandalized computer being removed while out sick not notified at my return by no one in management a coworker who was concerned notified me stated my computer had a virus. How so if a computer was shut completely off.

Humiliation: by management being introduced to new employees as the Fashionista which I took offense to when she introduced everyone else by name and provided their position and that is very unprofessional for someone who's in management.

Psychological Harassment: repetitively being asked to take phone calls while other's that are at a lower position are in Special Project doing things such as Arts and Crafts. They have attacked my Dignity and Psychological integrity, speaking as if I do not know my job making statements like: I like a fast learners, challenging everything that I say or decisions I make. Telling other members of management that I do not know my job and I'm old school. Due to Psychological Harassment It has resulted in High Blood Pressure, Anxiety, and Severe Depression which caused my Heart Attack that caused me to be hospitalized and causing me to take a lot of time off from work going to and from different Specialist that's diagnosing me with Mental Health issues because of this job. I have to visit EAP on a weekly basis.

Management: has blocked my advancement and growth with the company unfairly by not promoting and being blocked from even getting interviewed. I sought out Palm Beach County to be my career job in which I was so excited and wanted to move up working for Palm Beach County. I reached out to Wendy Mundell and inquired about growth and asked how I join the 12 month Leadership Program in which I Successfully completed back in 2012. Management has hired family members that work under their leadership and made ways for family and friends to be given a position. I thought it was against County policy to have family members to work under your leadership. I have dealt with and no resolution that made any sense to me. They avoid you so they do not have to speak making me making me feel I have no Worth.

Revenge: for asking questions when I thought the county has an open door policy in actionality they do not they hold it against you and label you as a Trouble Maker or a Complainer. They have told coworkers to stay away from me keeping Division among each other which has caused some coworkers to quit their job. I have been stopped from going to monthly Leadership meetings with no explanation. Afraid to give any opinion or ask questions because of the way I'm being treated.

Power Harassment: Excessive Demands that are impossible to meet. While in the middle of doing my daily work I'm asked to do many other duties while my counter partner with the same job title is not asked to do the same. Receiving text messages on my personal phone at night that I did not turn someone's water on when the customer request was in just waiting for the technician to arrive. I did not receive an apology for the inconvenience that had me worried and stressed out having Anxiety attacks. Coming by my desk several times a day trying to intimidate me.

Pain and suffering: This job has caused me so much pain and suffering trying to make me quit I will not quit my job that I have invested 16 years in that is not an option. I will continue until someone finally

want to take the time to listen and realize okay there is a problem and try and resolve it rather than jumping to conclusions as you did Mr. Condry when I spoke with you. I was given advice by you to go the Bully and ask WHY? Did you really want that and you didn't even know my mental state from enduring so much hurt and pain on this job. As we spoke I'm sure you heard me trying to fight back the tears as my voice trembled. I was also told by your secretary Shawn that you all had nothing to protect the employees so I had to go out and spend money to seek an Attorney that led me to believe she was not willing to listen as she had me to speak to three different people until my daughter spoke to your Boss Nancy Bolton and the Administrator Mrs. Baker. I really do thing could have been resolved if someone just had taken the time to listen.

Unprofessionalism: You have members of management walking around barefoot talking loud and laughing with certain employees.

Soliciting: You have members of management walking around selling goods in the office per the Merit System rules & Regulations that is prohibited.

It's easy to stand with a crowd but COURAGE TO STAND ALONE.

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